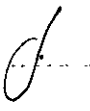


SENATE

S. B. No. 2274

RECEIVED BY: 

(In substitution of S. Nos. 140, 639, 1340, 1414 and 2155)

Prepared Jointly by the Committees on Education, Arts and Culture; Finance; and, Ways and Means with Senators Villar, Recto, Trillanes, Defensor-Santiago, Estrada, Angara and (P.) Cayetano as authors

AN ACT TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN TERTIARY LEVELS OF EDUCATION, APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** – This Act shall be known as the “Open Learning and
2 Distance Education Act of 2014.”

3 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to
4 expand and further democratize access to quality education at the tertiary levels.

5 **SEC. 3. Coverage.**– This Act shall apply to public and private higher education
6 institutions (HEIs) and post-secondary schools in the Philippines which have existing
7 open learning and distance education programs, and to other HEIs and post-secondary
8 schools which shall later be authorized as qualified implementers of open learning and
9 distance education programs.

10 **SEC. 4. Definition of Terms.**– For purposes of this Act, the following terms are
11 hereby defined:

12 **a) Distance Education** refers to a mode of educational delivery whereby the
13 teacher and learner are separated in time and space, and the instruction is
14 delivered through specially designed materials and methods using appropriate
15 technologies and learning management systems and supported by organizational
16 and administrative structures and arrangements;

17 **b) Formal Education** refers to a systematic and deliberate process of hierarchically
18 structured and sequential learning corresponding to the general concept of
19 schooling in a classroom setting;

20 **c) Higher Education Institution (HEI)** refers to an educational institution, private or
21 public, undertaking operations of higher education degree program/s, with an
22 organized group of students pursuing defined studies in higher education,
23 receiving instructions from teachers, usually located in a building or group of
24 buildings in a particular site specifically intended for educational purposes;

1 **d) Higher Education Degree Programs** refer to specific courses of study in the
2 higher level of the education system leading to a bachelor's, master's or doctoral
3 degree;

4 **e) Open Learning** refers to a philosophy of learning that is learner-centered and
5 flexible, enabling learners to learn at a time, place and pace which satisfies their
6 circumstances and requirements;

7 **f) Post-Secondary School** refers to an institution that offers non-degree technical-
8 vocational programs accredited by the Technical Education and Skills
9 Development Authority (TESDA);

10 **g) Technical-Vocational Programs** refer to post-secondary certificate courses,
11 officially recognized as non-degree programs aimed at preparing technicians,
12 paraprofessionals and other categories of middle-level workers by providing them
13 with a broad range of general education, theoretical, scientific and technological
14 studies, and related job skills training; and

15 **h) Tertiary Education** refers to higher education degree programs, as well as
16 technical-vocational programs.

17 **SEC. 5. Establishment of Distance Education.** – Distance education is hereby
18 established under the Non-Conventional Higher Education Division of CHED and the
19 National Institute for Technical Education and Skills Development (NITESD) of TESDA
20 to provide access to tertiary education through open learning.

21 **SEC. 6. Admission and Other Academic Policies and Requirements.** –
22 Admission and other academic policies and requirements in HEIs and post-secondary
23 schools offering higher education degree programs and technical-vocational programs,
24 respectively, through distance education programs, shall be governed by a set of
25 policies, standards and requirements set for higher education degree programs by duly
26 authorized academic bodies such as Commission on Higher Education (CHED), and/or
27 their Board of Regents/Trustees, University/Faculty Councils, and for technical-
28 vocational programs by TESDA.

29 **SEC. 7. Program, Curriculum and Course Development Offerings and**
30 **Requirements.** – Open learning and distance education course offerings and programs,
31 as well as curricula requirements for admission and graduation, should be comparable
32 to the standards, practices, and policies of formal education systems, and should
33 similarly be subject to regulations by CHED and/or TESDA, as applicable.

34 There shall be defined a set of courses/subjects and/or examinations, and/or
35 special projects and activities, the completion of which shall be required for graduation
36 from higher education degree programs or technical-vocational programs, and which
37 shall be equivalent to that under the formal education system. The following shall also
38 be considered:

39 (a) The place, pace, and mode of study of the student shall be at the option and
40 convenience of the student within the time frame as may be prescribed by the
41 learning institution: *Provided*, That the content, context and conduct of
42 examination shall be determined by the HEIs or post-secondary schools offering
43 the distance education program;

44 (b) The HEI or post-secondary school shall formulate and implement a mechanism
45 to monitor the academic progress of the students;

- 1 (c) The curricular offerings using the open learning philosophy which are offered
2 through the distance education mode shall conform to respective policies,
3 standards, and guidelines for distance education of CHED and TESDA, as
4 applicable;
- 5 (d) Practicum or on-the-job trainings shall be observed for courses that require the
6 same;
- 7 (e) Completion of all the requirements for the academic program shall be evidenced
8 by the award of the appropriate academic degree or certificate;
- 9 (f) For the practice of the profession for which one has acquired the necessary
10 academic credentials through distance education, the existing requirements of
11 passing a board examination shall apply.

12 **SEC. 8. Mode of Delivery.**—Open learning and distance education programs
13 may be delivered using information and communications technology and other
14 approaches, such as but not limited, to the following:

- 15 (a) **Print** - textbooks, study guides, workbooks, course syllabi, correspondence
16 feedback, and other print formats;
- 17 (b) **Audio-Visual** - radio, audio cassettes, slides, film, videotapes, television,
18 telephone, fax, audio-conferencing, and video-conferencing;
- 19 (c) **Electronic/Computer Technology and Virtual Classrooms** - CD-ROM,
20 electronic mail, e-bulletin boards, world-wide web, podcasts, m-learning, i-
21 lectures, e-learning or online learning management systems; and
- 22 (d) **Face-to-face sessions** - conducted in learning and study centers.

23 **SEC. 9. Support to Open Learning and Distance Education Programs.**— The
24 CHED, TESDA, and the University of the Philippines Open University (UPOU) shall
25 provide support to HEIs and post-secondary schools in developing and providing high
26 quality programs and offerings in open learning and distance education. This support
27 includes, among others:

- 28 (a) Training of qualified teachers, providers, and other professionals;
- 29 (b) Curriculum, courseware, and program development;
- 30 (c) Cyber infrastructure planning, resource sourcing, and implementation;
- 31 (d) School operations and management planning and development, including
32 support services, learning management systems, instructional design and
33 development, and research on emerging technologies; and
- 34 (e) Institutional linkages and networking can also avail of scholarships under existing
35 guidelines.

36 **SEC. 10. Scholarships and Support to Students.** – Any student enrolled in
37 open learning and distance education programs under the auspices of this Act shall
38 have access to all privileges, opportunities, and entitlements that a student similarly
39 situated under the formal education system may have access to, including, but not

1 limited to, availment of scholarships, grants, and loans from the government or
2 government-administered funding sources.

3 HEIs and post-secondary schools engaged in open learning and distance
4 education programs shall likewise be tasked to perform the following student support
5 services:

6 (a) Provide clear admission policies and procedures for applicants;

7 (b) Maintain faculty-student dialogue and interactivity through virtual classrooms
8 linked electronically or through established learning centers or both, whichever
9 may be feasible, to ensure greater knowledge sharing, access to counseling and
10 other support services:

11 (c) Provide for an efficient and reliable communication system, feedback
12 mechanism, especially on learners' academic progress, and multimedia support;

13 (d) Show evidence of regular monitoring of learners' progress; and

14 (e) Provide a wide range of relevant, updated and accessible learning resources that
15 are easily accessible to students.

16 **SEC. 11. *Role of the University of the Philippines Open University.***—The
17 University of the Philippines Open University, hereinafter referred to as the UPOU, shall
18 be designated as the National Open University. As such, it shall:

19 (a) Provide leadership in the development of open learning and distance education
20 expertise in the country and in the appropriate use of information and
21 communications technologies in support of quality higher education;

22 (b) Promote best practices in open learning and distance education in the
23 Philippines;

24 (c) Share knowledge through informed and innovative research and other
25 development activities related to distance education through its exemplary
26 policies, programs, materials, learning management systems guidelines and
27 offerings;

28 (d) Provide technical assistance to CHED and TESDA on matters relating to
29 distance education policies, guidelines and standards, particularly in
30 implementing an accreditation system for open learning and distance education
31 programs and institutions in the country;

32 (e) Design model curricular programs which shall serve as prototype programs upon
33 which similar programs to be offered by other HEIs in the country shall be
34 patterned after;

35 (f) Develop and promote appropriate information and communication technologies
36 to facilitate quality open learning and distance education programs in the country;

37 (g) Design and produce quality learning materials and objects both in print and
38 multimedia formats, for higher education and post-secondary instruction in the
39 country;

- 1 (h) Make instructional materials for distance education programs accessible to the
2 public through collaborative arrangements and other appropriate mechanisms;
- 3 (i) Assist other interested educational institutions in developing their distance
4 education programs, courses, and materials for specific learner groups or the
5 public at large;
- 6 (j) Design and implement a continuing program to develop high level expertise in
7 the fields of open learning and distance education in the Philippines through
8 quality higher education degree programs and technical-vocational programs
9 through either or both distance and face-to-face modes of instruction and
10 training; and
- 11 (k) Help capacitate distance education teachers and practitioners through capacity-
12 building and professionalization programs.

13 **SEC. 12. Roles of the CHED and the TESDA.**– The CHED and the TESDA
14 shall be respective regulators of HEIs and post-secondary schools involved in open
15 learning and distance education. As such, they shall:

- 16 (a) Formulate, promulgate, disseminate and implement the necessary policies,
17 standards, guidelines, rules and regulations for the effective implementation of
18 open learning and distance education in the country;
- 19 (b) Formulate and implement strategies to improve the quality of open learning and
20 distance education programs and implement a system of quality control for open
21 learning and distance education in the country;
- 22 (c) Monitor and evaluate existing open learning and distance education programs
23 and effect the continuation or closure of programs in accordance with the
24 provisions of the implementing rules and regulations for distance education in the
25 country;
- 26 (d) Review and approve or disapprove proposals from HEIs and post-secondary
27 schools for the implementation of new open learning and distance education
28 programs; and
- 29 (e) Endorse to the Department of Budget and Management (DBM) the budget for
30 open learning and distance education programs of qualified state HEIs and public
31 post-secondary schools based on the respective monitoring and evaluation
32 results of the CHED and TESDA.

33 **SEC. 13. Roles of Broadcast Media and Telecommunications Networks.** –
34 Broadcast media and telecommunications networks are encouraged to provide as much
35 assistance and cooperation to HEIs and post-secondary schools offering open learning
36 and distance education programs. Such assistance may include, but not necessarily be
37 limited to, the transmission of learning materials for formal and non-formal courses to
38 learners not only within the Philippines, but also outside the country.

39 **SEC. 14. Tax Incentives.**–Any donation, contribution, bequest and grant, in cash
40 and/or services which may be made by individuals and organizations, including, but not
41 limited, to private entities such as private schools, broadcasting companies,
42 telecommunications networks which shall provide appropriate materials, time and
43 delivery support services for the promotion of open learning and distance education in
44 partnership with HEIs delivering academic degree programs and post-secondary

1 schools offering technical-vocational programs through distance education, shall be
2 exempt from the donor's tax and the same shall be considered as allowable deduction
3 from the gross income in the computation of the income tax of the donor in accordance
4 with the provisions of the National Internal Revenue Code of 1997, as amended.

5 **SEC. 15. *Implementing Rules and Regulations.***— The CHED, through its
6 Technical Panel for Distance Education, the TESDA, and the UPOU, in consultation
7 with relevant stakeholders in higher degree and post-secondary education, are hereby
8 mandated to formulate the rules and regulations to implement this within a period of
9 ninety (90) days from the effectivity thereof.

10 **SEC.16. *Appropriations.***—The amount necessary to carry out the provisions of
11 this Act shall be included in the respective budget of the CHED, TESDA, UPOU and
12 public HEIs and post-secondary schools which have existing open learning and
13 distance education programs in the annual General Appropriations Act.

14 **SEC. 17. *Separability Clause.***— If any provision of this Act or any part thereof be
15 declared unconstitutional or invalid, the same shall not affect the validity of the other
16 provisions of this Act.

17 **SEC. 18. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or
18 parts thereof which are inconsistent with the provisions of this Act are hereby repealed,
19 amended or modified accordingly.

20 **SEC. 19. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
21 publication in a newspaper of general circulation.

Approved,